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84TH CONGRESS
1ST SESSION

S. 1006

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1955

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each executive department, independent
4 establishment, or agency of the Government, including the
5 Secretary of the Army, the Secretary of the Navy, and the
6 Secretary of the Air Force (hereinafter referred to as the
7 “head”) is authorized to enter into and perform, with
8 domestic governmental units or subdivisions, with other
9 public or private organizations, and, consistent with inter-

1 national agreements, with foreign governmental units or
2 subdivisions, engaged in fire-fighting activities near installa-
3 tions or activities under the jurisdiction or control of the
4 respective heads, reciprocal agreements providing for mutual
5 aid in protecting against fires, in extinguishing fires, and in
6 preserving life and property threatened by fire, through the
7 furnishing of fire-fighting personnel and equipment by and
8 for such installations or activities and such organizations or
9 governmental units or subdivisions. Each such agreement
10 shall provide that each party thereto waives all claims for
11 loss, damage, injury, or death against all other parties thereto
12 that may arise in the performance of the agreement, but
13 any such agreement may, in the discretion of the head con-
14 cerned, provide for reimbursement for the cost of furnishing
15 personnel and equipment pursuant to its provisions. In the
16 absence of such an agreement, said heads are respectively
17 authorized to make available in emergencies fire-fighting
18 personnel and equipment to assist in extinguishing fires and
19 preserving life and property threatened by fire in local gov-
20 ernmental units, or subdivisions thereof, in or near which
21 Government installations are located, under such circum-
22 stances involving the best interests of the United States and
23 under such regulations as the appropriate head may prescribe.

24 SEC. 2. Funds available for Federal fire-fighting activi-
25 ties and facilities on installations or in connection with activi-

1 ties under the jurisdiction of the respective heads may be
2 used for carrying out the purposes of this Act. Any reim-
3 bursements made to the respective heads for services per-
4 formed pursuant to the provisions of this Act shall be covered
5 into the Treasury as miscellaneous receipts.

6 SEC. 3. Personnel of domestic governmental units or
7 subdivisions, public or private organizations, or foreign gov-
8 ernmental units or subdivisions, engaged in fire-fighting
9 activities pursuant to reciprocal fire protection agreements
10 entered into pursuant to this Act shall not be considered as
11 employees of the United States for the purposes of the
12 Federal Employees' Compensation Act, as amended.

13 SEC. 4. Services performed pursuant to the provisions
14 of this Act by any fire-fighting personnel under the juris-
15 diction of the respective heads shall be held and consid-
16 ered to be services performed in line of duty.

17 SEC. 5. Mutual aid agreements of the type authorized in
18 section 1 hereof, which are in effect on the effective date of
19 this Act, are hereby ratified and confirmed.

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

By Mr. McCLELLAN

FEBRUARY 8, 1955

Read twice and referred to the Committee on
Government Operations

84TH CONGRESS
1ST SESSION

H. R. 3756

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1955

Mr. DAWSON of Illinois (by request) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each executive department, independent
4 establishment, or agency of the Government, including the
5 Secretary of the Army, the Secretary of the Navy, and the
6 Secretary of the Air Force (hereinafter referred to as the
7 “head”) is authorized to enter into and perform, with do-
8 mestic governmental units or subdivisions, with other public
9 or private organizations, and, consistent with international

1 agreements, with foreign governmental units or subdivisions,
2 engaged in fire-fighting activities near installations or activi-
3 ties under the jurisdiction or control of the respective heads,
4 reciprocal agreements providing for mutual aid in protecting
5 against fires, in extinguishing fires, and in preserving life and
6 property threatened by fire, through the furnishing of fire-
7 fighting personnel and equipment by and for such installa-
8 tions or activities and such organizations or governmental
9 units or subdivisions. Each such agreement shall provide
10 that each party thereto waives all claims for loss, damage,
11 injury, or death against all other parties thereto that may
12 arise in the performance of the agreement, but any such
13 agreement may, in the discretion of the head concerned,
14 provide for reimbursement for the cost of furnishing personnel
15 and equipment pursuant to its provisions. In the absence
16 of such an agreement, said heads are respectively author-
17 ized to make available in emergencies fire-fighting personnel
18 and equipment to assist in extinguishing fires and preserving
19 life and property threatened by fire in local governmental
20 units, or subdivisions thereof, in or near which Government
21 installations are located, under such circumstances involving
22 the best interests of the United States and under such regu-
23 lations as the appropriate head may prescribe.

24 SEC. 2. Funds available for Federal fire-fighting activi-
25 ties and facilities on installations or in connection with

1 activities under the jurisdiction of the respective heads may
2 be used for carrying out the purposes of this Act. Any
3 reimbursements made to the respective heads for services
4 performed pursuant to the provisions of this Act shall be
5 covered into the Treasury as miscellaneous receipts.

6 SEC. 3. Personnel of domestic governmental units or
7 subdivisions, public or private organizations, or foreign
8 governmental units or subdivisions, engaged in fire-fighting
9 activities pursuant to reciprocal fire-protection agreements
10 entered into pursuant to this Act shall not be considered
11 as employees of the United States for the purposes of the
12 Federal Employees' Compensation Act, as amended.

13 SEC. 4. Services performed pursuant to the provisions
14 of this Act by any fire-fighting personnel under the juris-
15 diction of the respective heads shall be held and considered
16 to be services performed in line of duty.

17 SEC. 5. Mutual aid agreements of the type authorized
18 in section 1 hereof, which are in effect on the effective date
19 of this Act, are hereby ratified and confirmed.

84TH CONGRESS
1ST Session

H. R. 3756

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

By Mr. Dawson of Illinois

FEBRUARY 8, 1955

Referred to the Committee on Government Operations

84TH CONGRESS
1ST SESSION

H. R. 6015

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1955

Mr. DAWSON of Illinois introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act—

4 (a) The term “agency head” means the head of any
5 executive department, military department, agency, or in-
6 dependent establishment in the executive branch of the
7 Government;

8 (b) The term “fire protection” includes personal serv-
9 ices and equipment required for fire prevention, the protec-
10 tion of life and property from fire, and fire fighting; and

1 (c) The term “fire organization” means any govern-
2 mental entity or public or private corporation or association
3 maintaining fire protection facilities within the United States,
4 its Territories and possessions, and any governmental entity
5 or public or private corporation or association which main-
6 tains fire protection facilities in any foreign country in the
7 vicinity of any installation of the United States.

8 SEC. 2. (a) Each agency head charged with the duty
9 of providing fire protection for any property of the United
10 States is authorized to enter into a reciprocal agreement,
11 with any fire organization maintaining fire-protection facil-
12 ities in the vicinity of such property, for mutual aid in
13 furnishing fire protection for such property and for other
14 property for which such organization normally provides fire
15 protection. Each such agreement shall include a waiver by
16 each party of all claims against every other party for com-
17 pensation for any loss, damage, personal injury, or death
18 occurring in consequence of the performance of such agree-
19 ment. Any such agreement may provide for the reimburse-
20 ment of any party for all or any part of the cost incurred
21 by such party in furnishing fire protection for or on behalf of
22 any other party.

23 (b) Any agreement heretofore executed which would
24 have been authorized by this Act, if this Act had been in

1 effect on the date of execution thereof, is hereby ratified
2 and confirmed.

3 SEC. 3. In the absence of any agreement authorized or
4 ratified by section 2, each agency head is authorized to
5 render emergency assistance in extinguishing fires and in
6 preserving life and property from fire, within the vicinity of
7 any place at which such agency maintains fire-protection
8 facilities, when the rendition of such assistance is determined,
9 under regulations prescribed by the agency head, to be in
10 the best interest of the United States.

11 SEC. 4. Any service performed under section 2 or sec-
12 tion 3 of this Act, by any officer or employee of the United
13 States or any member of any armed force of the United
14 States shall constitute service rendered in line of duty in
15 such office, employment, or force. The performance of such
16 service by any other individual shall not constitute such
17 individual an officer or employee of the United States for the
18 purposes of the Federal Employees' Compensation Act,
19 as amended.

20 SEC. 5. Funds available to any agency head for fire
21 protection on installations or in connection with activities
22 under the jurisdiction of such agency may be used to carry
23 out the purposes of this Act. All sums received by any
24 agency head for fire protection rendered pursuant to this

A BILL

To authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes.

By Mr. Dawson of Illinois

MAY 4, 1955

Referred to the Committee on Government Operations

1 Act shall be covered into the Treasury as miscellaneous
2 receipts.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 6, 1955
For actions of May 5, 1955
84th-1st, No. 74

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HIGHLIGHTS: House passed 90% price support bill. Senate passed Interior appropriation bill, which includes FS items. Sen. Payne spoke against rigid price supports.

HOUSE

1. PRICE SUPPORTS. Passed, 206-201, with amendments H. R. 12, to reestablish 90% price supports for basic commodities, provide for 80-90% supports on dairy products, extend the brucellosis program, and increase the school lunch program (pp. 4903-51, A3039, A3042-3).

Agreed to the following amendments:

By Rep. Cooley (for the committee), to delete provisions for a domestic marketing certificate plan for wheat (pp. 4912-15).

By Rep. Polk, to insure that the brucellosis provision would apply to 1956 as well as 1957 and 1958 (p. 4931).

Rejected the following amendments:

By Rep. Laird, to increase dairy supports to the level of the basics; by a 39-58 vote (pp. 4915-31).

By Rep. Rogers, Tex., to increase supports for grain sorghum to 80-85% of parity; by a 47-62 vote (pp. 4942-3).

By Rep. Green, Pa., (on a separate vote following consideration of the bill in Committee of the Whole) to strike peanuts from the list of basic commodities and to repeal the provisions for peanut allotments; by a 193-215 vote (p. 4949).

Rejected, 199-212, a motion by Rep. Hill to recommit the bill (p. 4950).

2. TRADE AGREEMENTS. Reps. Cooper, Dingell, Mills, Jenkins, and Simpson of Pa. were

appointed conferees on H. R. 1, the trade agreements bill (p. 4902). Senate conferees have been appointed.

Both Houses received from the President ^{a message} recommending legislation to permit revision of the 1946 trade agreement with the Philippines; to House Ways and Means Committee and Senate Finance Committee (H. Doc. 155)(pp.4973, 4856).

3. DEFENSE DEPARTMENT APPROPRIATION BILL, 1956. The Appropriations Committee reported this bill, H. R. 6042 (H. Rept. 493)(p. 4966).
4. POSTAL PAY. Received the conference report on S. 1, the postal pay bill (pp. 4952-66).
5. COPPER IMPORTS. Passed without amendment H. R. 5695, to continue through June 1958 the suspension of certain import taxes on copper (pp. 4901-2).
6. BANKING AND CURRENCY. Rep. Patman criticized the Open Market Committee of the Federal Reserve System (pp. 4971-2).
7. ADJOURNED until Mon., May 9 (p. 4973). Legislative program, as announced by Majority Leader McCormack: Mon., postal pay, D. C. bills, statehood; Tues., statehood; Wed. through Sat., defense appropriations, reserve manpower, and perhaps salt-water research (with a "probability", however, that the reserve manpower bill will not be reached until the following week)(pp. 4951-2).

SENATE

8. INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATION BILL FOR 1956. Passed as reported this bill, H. R. 5085 (pp. 4867-75). (For provisions of the bill see Digest 71). Sens. Hayden, Chavez, Kilgore, Magnuson, Holland, Clements, Russell, Mundt, Young, Knowland, Thyne, Dworshak, and Dirksen were appointed Senate conferees on this bill (p. 4874).
Sens. Stennis and others commended Forest Service items (pp. 4871-5).
9. PRICE SUPPORTS. Sen. Payne spoke against the restoration of rigid farm price supports, stated that the flexible price-support program should be given an adequate test before talking about repealing it, and inserted a New York Times editorial on this subject (pp. 4863-4).
10. FORESTRY. Passed without amendment H. R. 2679, to protect scenic values along Oak Creek Canyon in Coconino National Forest, Ariz. (p. 4883). This bill will now be sent to the President.

The Government Operations Committee reported with amendments S. 1006, to authorize reciprocal fire-protection agreements between departments and agencies of the U. S. and public or private organizations engaged in fire-fighting activities (S. Rept. 274) (p. 4859).

11. LANDS. Discussed and, at the request of Sen. Williams, passed over S. 748, to prohibit the U. S. from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired (pp. 4889-90).

AUTHORIZING RECIPROCAL FIRE-PROTECTION AGREEMENTS
BETWEEN DEPARTMENTS AND AGENCIES OF THE UNITED
STATES AND PUBLIC OR PRIVATE ORGANIZATIONS ENGAGED
IN FIRE-FIGHTING ACTIVITIES

MAY 5 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations,
submitted the following

R E P O R T

[To accompany S. 1006]

The Committee on Government Operations, to whom was referred the bill (S. 1006) to authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes, having considered the same, report favorably thereon, with amendments, and recommend that the bill, as amended, do pass.

The amendment is in the nature of a substitute.

PURPOSE

This bill was submitted to the Senate by the Department of the Navy on behalf of the Department of Defense, with a request for its enactment. It would authorize executive branch department and agency heads, including the heads of the military departments, to enter into mutual-aid-fire-protection agreements with local governmental units, public or private organizations, or foreign governmental public or private units, engaged in fire-fighting activities near Federal installations or activities. It would establish no new policy, but would merely provide statutory sanction for a practice which has been in effect for a number of years, but which, in 1952, was held by the Comptroller General to constitute an unauthorized use of appropriated funds, in the absence of specific congressional authority.

The primary objective of the measure would be to authorize the continuation of this long-established practice which enables the Federal Government to provide maximum fire protection for its installations and activities throughout the world at a minimum cost

by utilizing local civilian fire-protection personnel and facilities on a reciprocal basis, thus obviating the necessity for maintaining the large numbers of fire-fighting personnel and expensive equipment which would otherwise be necessary for the adequate protection of these installations and properties.

BACKGROUND

The United States Government maintains various types of installations throughout the United States and in various parts of the world at which there are heavy concentrations of valuable property and personnel. The danger of outbreaks of fire at these installations is always present and requires careful planning in order to insure that adequate fire-fighting personnel and equipment will be available in the event of an outbreak. Experience has demonstrated, however, that the maintenance of fire-protection facilities adequate to protect the property and persons at a particular installation is not always economically feasible, particularly in the event of a major fire.

In view of the fact that most of these Federal installations are located in or close to municipalities or other local governmental political subdivisions which maintain organized fire-fighting units, it has been the practice of a number of Federal agencies to enter into reciprocal arrangements with neighboring local government subdivisions, providing for an interchange of fire-protection services. Thus, in the event of a fire at a Federal installation, the neighboring civilian fire-protection service makes its facilities available, and the Federal agency sends its facilities, upon request, to assist the local civilian units in a similar situation. No reimbursement has been involved on either side.

These arrangements proved to be most satisfactory, particularly to the military departments and the Veterans' Administration which agencies have the bulk of Federal field installations under their jurisdiction. The effect of these mutual-aid agreements was to make it unnecessary for the Federal installation to maintain large and expensive fire-fighting facilities which would, for the most part, duplicate those of the neighboring communities. Thus, for many years, these agencies, in planning and calculating their fire-protection needs, have done so on the basis of equipment and personnel available in neighboring communities. This practice has enabled the Government to invest a minimum amount of money in fire-fighting equipment and to employ only a minimum staff of civil-service firemen. Thus, for a relatively small investment, the Government has been receiving a very large and valuable amount of protection.

It appears that the agencies entering into these mutual-aid agreements with local communities proceeded upon the assumption that executive branch department and agency heads have implied authority to take whatever steps may be necessary to safeguard Federal property and persons under their jurisdiction.

This practice continued until the Comptroller General, in a decision issued on August 13, 1952 (B-102097), disallowed certain claims of employees of the Department of the Navy, arising out of a mutual-aid agreement. It appears that the Navy sent fire-fighting equipment and personnel to the city of Norfolk, pursuant to a mutual-aid agreement, to assist in extinguishing a fire. Several of the Navy civil-service firemen submitted a claim for overtime in connection with this fire and the Comptroller General disallowed the claim. He held that

Federal fire-fighting services, equipped and staffed from appropriated funds, cannot lawfully be used to extinguish fires on non-Federal property in the absence of a showing that such services were necessary to safeguard Federal property, unless such use is specifically authorized by law. The basis for this decision was that such a practice constituted an unauthorized use of appropriated funds (32 Comp. Gen. 91).

In concluding his decision, however, he stated that in view of the value of the protection secured by Government property as a result of these agreements, the General Accounting Office—

will remove any exceptions outstanding and rest no further objections to such mutual-aid agreements with the understanding that the matter be presented by your Department to the Congress * * * with a view to securing legislative authority for such agreements * * * (32 Comp. Gen. 95).

In an effort to meet this situation, the Department of the Navy prepared a draft bill which was designed to supply the needed legislative authority. It was found, however, that the other military departments, as well as several nonmilitary Federal agencies, had an interest in the subject matter, and the Bureau of the Budget circulated the draft throughout the executive branch for comment. On July 3, 1954, the Secretary of the Navy, acting on behalf of the Department of Defense, submitted a revised draft which embodied various suggestions of other interested agencies, and was designed to apply on a Governmentwide basis. In its letter of transmittal, the Department of the Navy stressed the importance of obtaining statutory sanction for existing mutual-aid fire-protection agreements and requested favorable action. The chairman of the committee introduced the bill, by request, as S. 3773 in the 83d Congress.

The Bureau of the Budget made a survey of a number of the major departments and agencies likely to have an interest in the bill. Those queried included the Atomic Energy Commission, the Veterans' Administration, the Departments of Agriculture, Interior, State, Justice, and Labor. Most of the agencies were of the opinion that, although they believed they had the necessary legal authority to enter into reciprocal fire-protection agreements, in view of the Comptroller General's 1952 decision, the measure was necessary and desirable.

On August 4, 1954, the committee reported S. 3773 favorably, with an amendment designed to continue in force all mutual-aid fire-protection agreements in effect on the effective date of the act (S. Rept. 2211, 83d Cong.). Although the committee was not satisfied with the draftsmanship and language of the bill, the approaching termination of the session afforded no opportunity for redrafting. In view of its importance to the agencies concerned, favorable action was recommended. As amended, the bill passed the Senate on August 11, 1954, but no action was taken in the House of Representatives.

COMMITTEE ACTION

An analysis of S. 1006, in its original form, revealed that it failed to provide a clear and definite statement of the scope of the authority granted and the conditions applied thereto. Following discussions with the Office of the Legislative Counsel of the Senate and representatives of the Department of Defense, the Comptroller General, and the Bureau of the Budget, the bill was redrafted in the form of

an amendment in the nature of a substitute in order to eliminate deficiencies and uncertainties in the bill as introduced.

Although the committee substitute retains the basic substance of S. 1006, and is largely clarifying and perfecting in nature, several minor policy changes were incorporated at the request of the Department of Defense.

A section-by-section analysis of the committee substitute follows, with explanatory comments. S. 1006, as introduced, will be referred to as the "original bill."

Section 1 contains definitions of key terms and was added to eliminate repetition and description.

Section 2 is a redraft of a portion of section 1, and section 5 of the original bill.

Subsection (a) authorizes agency and department heads to enter into mutual-aid fire-protection agreements and substantially restates the first two sentences of section 1 of the original bill with surplusage and excess verbiage omitted.

Subsection (b) ratifies and confirms existing fire-protection agreements which would have been authorized had the act been in effect on the date of the execution thereof. It is intended to clarify section 5 of the original bill which merely provided for the ratification and confirmation of existing agreements without taking into consideration the fact that, as a result of the Comptroller General's decision declaring such agreements invalid, there might be no such agreements in existence on the effective date of the act. By providing for the validation of those agreements which would have been authorized had the act been in effect on the date of their execution, this problem is eliminated.

Section 3 authorizes agency and department heads to render emergency assistance in extinguishing fires and preserving life and property from fires within the vicinity of any place where such agency maintains fire-protection facilities when the rendition of such assistance is determined to be in the best interest of the United States, under regulations prescribed by such agency head. This is a clarified restatement of the last sentence of section 1 of the original bill.

Section 4 provides that any services performed under sections 2 or 3 of the act, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty. All other persons performing such services are specifically excluded from entitlement to coverage under the Federal Employees' Compensation Act. This section incorporates sections 3 and 4 of the original bill. The original bill, in section 4, limited line of duty coverage to fire-fighting personnel only. The Department of Defense, however, felt that such language was ambiguous and might be construed to afford coverage only to persons whose duties included fire protection. This, in turn, would have resulted in exclusion from coverage of members of the Armed Forces and civilian employees thereof whose duties did not include fire-protection services but who might be requested to assist in fighting fires under a mutual-aid agreement, on a temporary emergency basis.

The Bureau of the Budget and a representative of the Comptroller General concurred with the views of the Department of Defense. The Veterans' Administration, however, raised the objection that, unless line of duty coverage is limited to persons whose duties include

fire-protection services, a Government employee who is injured or killed while attempting to assist in fighting a fire which the Government is combating under a mutual-aid agreement, whose assistance was neither requested nor desired, might receive coverage. The representative of the Comptroller General, however, was of the opinion that the language of the amendment provided sufficient safeguards to prevent undue liability to the Government, and, if only persons whose duties included fire-protection services were included, other Federal employees who were asked to assist in an emergency might have been excluded from coverage which might prove to be undesirable.

Section 5 authorizes the use of funds available to agency heads for fire protection on installations or in connection with activities under the jurisdiction of such agency to carry out the purposes of the act, and is virtually identical with the language of section 2 of the original bill.

The title has been amended to read "A bill to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes." The change in title was deemed desirable in order to set forth more accurately the objectives of the bill.

The committee adopted a policy change which results from the language of subsection (b) of section 2, and section 4. Commenting on the effect of these sections, the Comptroller General advised the committee that these subsections—

would validate past payments made, in connection with mutual fire-protection agreements, to non-Federal, public organizations otherwise obligated to furnish fire protection to Federal property and would validate past payments of over-time compensation made to Federal civilian fire fighters who, in connection with such agreements, rendered services beyond the limits of United States reservations. It would authorize retroactive payments therefor in those cases where payment has not been made. The General Accounting Office is unable to ascertain at this time the number of retroactive payments that might be required should such provisions be enacted. However, we believe that very few, if any, such payments would be involved. * * * We do not object to the retroactive features of the provisions * * *.

AGENCY COMMENTS ON THE COMMITTEE SUBSTITUTE

Commenting on the proposed amendment, the Bureau of the Budget stated:

* * * After reviewing the committee print, we are of the opinion that there has been no change in the bill's substance and that as a consequence, the justification advanced in support of the bill as introduced is equally applicable to the committee print. * * * Since the committee print seems to represent a technical improvement over the original version, we recommend that your committee give favorable consideration to this amended version of S. 1006 * * *.

The Comptroller General, referring to the amendment, stated:

We believe that the revision is drafted in better form and presents a clearer expression of the intent to be accomplished. * * * The bill under consideration would supply the statutory authority which the Comptroller General has held is necessary for the use of Federal appropriations for mutual aid by the Federal Government and local public or private organizations for fire protection of public or private property. * * * We * * * recommend that the committee give favorable consideration to this legislation.

The Veterans' Administration, after calling attention to the reservation previously mentioned, stated:

S. 1006, if enacted in the form of the subject committee print, would afford a means of obtaining maximum protection of human life and Government and other property at a minimum of cost. The Veterans' Administration strongly recommends its favorable consideration by your committee.

ESTIMATED COST OF S. 1006

The committee has been advised by representatives of the Department of the Navy, for the Department of Defense, that no actual additional cost to the Federal Government will result from the enactment of this measure. It was pointed out that, if the measure is not enacted, various agencies will be required to expend large sums of money for additional fire protection and personnel. Thus, if any additional expenditure in overtime pay for Federal civilian fire fighters and for equipment used in fighting fires outside of Federal property will be necessary, it will be more than offset by the saving of large sums of money for personnel and equipment which these agreements make possible.

In this connection, the Department of the Navy has advised the committee that, in the absence of the mutual-aid fire-protection agreements which now exist, the Departments of the Army and the Navy would have to make an initial expenditure of approximately \$5,960,000, and an annual recurring expenditure of approximately \$19,820,000 for personnel and equipment. The Department of the Air Force estimates an initial expenditure of some \$20,000 and annual recurrent expenditures of approximately \$35,000, for each additional structural fire-fighting company. There is no indication as to the number of additional companies which would be required. In addition, it is noted that the estimates for the Department of the Army refer only to Army installations within the United States, since estimates for overseas bases are not available. Furthermore, river, harbor, and flood-control projects within the United States, under the Army's jurisdiction, would require an exorbitant expenditure to provide adequate protection to substantial areas of timber land which they contain.

The Veterans' Administration, with some 65 installations throughout the United States, estimates that in the absence of mutual-aid agreements, it will have to make an initial expenditure of some \$75,000 and an annual, recurrent expenditure of approximately \$1,250,000.

CONCLUSION

The committee is of the opinion that S. 1006 is a meritorious bill, and its enactment will apparently make unnecessary the expenditure of very substantial sums of money for fire-protection services which would be required in the absence of mutual-aid agreements.

The bill has the approval of the Comptroller General, the Director of the Bureau of the Budget, the Department of Defense, and other agencies which are affected by its provisions. The reservations of the Veterans' Administration to a portion of section 4 have already been noted, and are not believed to be particularly significant in view of the overall objectives of the bill.

84TH CONGRESS
1ST SESSION

Calendar No. 278

S. 1006

[Report No. 274]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1955

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

MAY 5 (legislative day, MAY 2), 1955

Reported by Mr. McCLELLAN, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each executive department, independent
4 establishment, or agency of the Government, including the
5 Secretary of the Army, the Secretary of the Navy, and the
6 Secretary of the Air Force (hereinafter referred to as the
7 “head”) is authorized to enter into and perform, with
8 domestic governmental units or subdivisions, with other

1 public or private organizations; and, consistent with inter-
2 national agreements; with foreign governmental units or
3 subdivisions; engaged in fire fighting activities near installa-
4 tions or activities under the jurisdiction or control of the
5 respective heads; reciprocal agreements providing for mutual
6 aid in protecting against fires, in extinguishing fires, and in
7 preserving life and property threatened by fire; through the
8 furnishing of fire fighting personnel and equipment by and
9 for such installations or activities and such organizations or
10 governmental units or subdivisions. Each such agreement
11 shall provide that each party thereto waives all claims for
12 loss, damage, injury, or death against all other parties thereto
13 that may arise in the performance of the agreement, but
14 any such agreement may, in the discretion of the head con-
15 cerned, provide for reimbursement for the cost of furnishing
16 personnel and equipment pursuant to its provisions. In the
17 absence of such an agreement, said heads are respectively
18 authorized to make available in emergencies fire-fighting
19 personnel and equipment to assist in extinguishing fires and
20 preserving life and property threatened by fire in local gov-
21 ernmental units, or subdivisions thereof, in or near which
22 Government installations are located, under such circum-
23 stances involving the best interests of the United States and
24 under such regulations as the appropriate head may prescribe.

25 SEC. 2. Funds available for Federal fire-fighting activi-

ties and facilities on installations or in connection with activities under the jurisdiction of the respective heads may be used for carrying out the purposes of this Act. Any reimbursements made to the respective heads for services performed pursuant to the provisions of this Act shall be covered into the Treasury as miscellaneous receipts.

SEC. 3. Personnel of domestic governmental units or subdivisions, public or private organizations, or foreign governmental units or subdivisions, engaged in fire-fighting activities pursuant to reciprocal fire protection agreements entered into pursuant to this Act shall not be considered as employees of the United States for the purposes of the Federal Employees' Compensation Act, as amended.

SEC. 4. Services performed pursuant to the provisions of this Act by any fire-fighting personnel under the jurisdiction of the respective heads shall be held and considered to be services performed in line of duty.

SEC. 5. Mutual aid agreements of the type authorized in section 1 hereof, which are in effect on the effective date of this Act, are hereby ratified and confirmed.

That as used in this Act—

(a) The term "agency head" means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

1 (b) The term "fire protection" includes personal services
2 and equipment required for fire prevention, the protection of
3 life and property from fire, and fire fighting; and

4 (c) The term "fire organization" means any govern-
5 mental entity or public or private corporation or association
6 maintaining fire protection facilities within the United States,
7 its Territories and possessions, and any governmental entity
8 or public or private corporation or association which main-
9 tains fire protection facilities in any foreign country in the
10 vicinity of any installation of the United States.

11 SEC. 2. (a) Each agency head charged with the duty
12 of providing fire protection for any property of the United
13 States is authorized to enter into a reciprocal agreement, with
14 any fire organization maintaining fire protection facilities in
15 the vicinity of such property, for mutual aid in furnishing
16 fire protection for such property and for other property for
17 which such organization normally provides fire protection.
18 Each such agreement shall include a waiver by each party of
19 all claims against every other party for compensation for any
20 loss, damage, personal injury, or death occurring in conse-
21 quence of the performance of such agreement. Any such
22 agreement may provide for the reimbursement of any party
23 for all or any part of the cost incurred by such party in
24 furnishing fire protection for or on behalf of any other party.

1 (b) Any agreement heretofore executed which would have
2 been authorized by this Act, if this Act had been in effect on
3 the date of execution thereof, is hereby ratified and confirmed.

4 SEC. 3. In the absence of any agreement authorized or
5 ratified by section 2, each agency head is authorized to render
6 emergency assistance in extinguishing fires and in preserving
7 life and property from fire, within the vicinity of any place
8 at which such agency maintains fire-protection facilities, when
9 the rendition of such assistance is determined, under regula-
10 tions prescribed by the agency head, to be in the best interest
11 of the United States.

12 SEC. 4. Any service performed under section 2 or section
13 3 of this Act, by any officer or employee of the United States
14 or any member of any armed force of the United States shall
15 constitute service rendered in line of duty in such office, em-
16 ployment, or force. The performance of such service by any
17 other individual shall not constitute such individual an officer
18 or employee of the United States for the purposes of the
19 Federal Employees' Compensation Act, as amended.

20 SEC. 5. Funds available to any agency head for fire
21 protection on installations or in connection with activities
22 under the jurisdiction of such agency may be used to carry
23 out the purposes of this Act. All sums received by any

- 1 *agency head for fire protection rendered pursuant to this Act*
- 2 *shall be covered into the Treasury as miscellaneous receipts.*

Amend the title so as to read: "A bill to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes."

A BILL

To authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

By Mr. McCLELLAN

FEBRUARY 8, 1955

Read twice and referred to the Committee on
Government Operations

MAY 5 (legislative day, MAY 2), 1955

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 10, 1955
For actions of May 9, 1955
84th-1st, No. 75

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HIGHLIGHTS: Senate passed bills to: give CEA subpoena power; protect innocent purchasers of fungible goods from CCC claims; authorize inter-agency fire protection agreements. Senate subcommittee approved bill limiting interest on disaster loans to 3%. House sent Interior appropriation bill (which includes FS items) to conference; debated Hawaii-Alaska statehood bill. House committee reported bills to give CEA subpoena power, authorize land banks to purchase FFMC assets, and repeal REA State formula. Sen. Allott introduced and discussed emergency loans bill. Sen. Smathers intr. and discussed bill to carry out recommendations of President's transportation committee.

SENATE

1. COMMODITY EXCHANGES. Passed without amendment S. 1398, to provide subpoena power to the Commodity Exchange Authority (pp. 4987-8).
2. CCC CLAIMS. Passed as reported H. R. 1831, to protect innocent purchasers of fungible goods converted by warehousemen from CCC claims (pp. 4988-9).
3. FOREST FIRES. Passed as reported S. 1006, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (p. 4990).
4. PUBLIC LANDS. Passed as reported S. 265, to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres (p. 4987).
Passed without amendment S. 748, to prohibit the U. S. from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired (pp. 4986-7).
5. ANIMAL DISEASE. Passed without amendment S. 1133, to authorize USDA to pay indemnity for losses and expenses incurred during July 1954 in Iowa in connection with vesicular exanthema (p. 4988).

6. RECORDS. Passed without amendment S. 1007, to authorize GSA to establish a central depository for inter-state agreements (p. 4989).
7. FARM LOANS. On May 6 (during Senate recess) a subcommittee of the Agriculture and Forestry Committee approved for reporting to the full committee S. 1755, to reduce interest rates from 5% to 3% on disaster loans (p. D386).
8. RECESSED until Wed., May 11. Majority Leader Johnson stated that the postal pay bill may be considered Wed. and that the roads bill may be considered later in the week. (p. 4993.)

HOUSE

9. INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATION BILL FOR 1956. Reps. Kirwan, Norrell, Sieminski, Magnuson, Jensen, Fenton, Scrivner, and Taber were appointed conferees on this bill, H. R. 5085 (p. 4994). Senate conferees have been appointed.
10. RURAL ELECTRIFICATION; COMMODITY EXCHANGES; FARM CREDIT. The Agriculture Committee reported without amendment H. R. 5376, to repeal the State allotment formula for REA (H. Rept. 547); H. R. 4514, to authorize subpoenas under the Commodity Exchange Act (H. Rept. 552); and S. 941, to authorize the Federal land banks to purchase certain remaining assets of the Federal Farm Mortgage Corporation (H. Rept. 550) (p. 5029).
11. FIRE PROTECTION. The Government Operations Committee reported without amendment H. R. 6015, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (H. Rept. 549) (p. 5029).
12. PERSONNEL. The Judiciary Committee reported without amendment H. R. 5650, to provide for the settlement of claims of military personnel and civilian employees of the Federal Government for damage to, or loss, destruction, capture, or abandonment of personal property occurring incident to their service (H. Rept. 553) (p. 5029).
13. CIVIC AUDITORIUM. Passed as reported H. R. 1825, creating a commission to plan a D. C. civic auditorium (pp. 5009-13).
14. STATEHOOD. Began debate on H. R. 2535, the Alaska-Hawaii statehood bill (pp. 5013-24).
15. POTATOES. Received a Maine Legislature memorial recommending an investigation of the Mercantile Exchange for the purpose of providing greater stability in the potato industry (p. 5031).

BILLS APPROVED BY THE PRESIDENT

16. RICE ALLOTMENTS. H. R. 4647, which increases each 1955 State rice acreage allotment by 2%, provides each State with a 1955 rice allotment at least equal to its 1950 allotment, provides each county whose base acreage for 1955 exceeded by at least 2% its base acreage for 1950 with a 1955 rice allotment at least equal to its 1950 allotment, and increases each State reserve for new producers and new farms to a minimum of 500 acres. Approved May 5, 1955 (Public Law 29, 84th Cong.).

AUTHORIZING THE EXECUTION OF AGREEMENTS BETWEEN AGEN-
CIES OF THE UNITED STATES AND OTHER AGENCIES AND IN-
STRUMENTALITIES FOR MUTUAL AID IN FIRE PROTECTION

MAY 9, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

MR. DAWSON of Illinois, from the Committee on Government Opera-
tions, submitted the following

REPORT

[To accompany H. R. 6015]

The Committee on Government Operations, to whom was referred the bill (H. R. 6015), to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H. R. 6015 would grant specific legislative authority to department and agency heads to enter into reciprocal fire protection agreements with local governmental units and public or private organizations maintaining fire-protection facilities near installations under the jurisdiction of such heads within the United States, its Territories, and possessions or in any foreign country. The bill would ratify and confirm existing agreements for such mutual aid.

Such reciprocal agreements for mutual aid in fire protection have been in effect for a number of years. However, the Comptroller General held in 1952, that, in the absence of specific congressional authority, the use of Federal personnel and equipment to fight fires on non-Federal property in accordance with such reciprocal agreements constituted an unauthorized use of appropriated funds.

The primary objective of this bill is to approve such mutual-aid agreements in order to enable the Federal Government to provide maximum fire protection for its installations and activities at a minimum cost through utilization of local fire-protection personnel and facilities on a reciprocal basis.

The bill would also authorize such agency or department head in the event of an emergency, in the absence of such reciprocal agreement, to make available Government fire-protection personnel and equipment to assist in extinguishing fires and preserving life and property threatened by fire in local areas at or near Government installations when such assistance is determined to be in the best interest of the United States.

BACKGROUND

Many Federal installations in the United States and other parts of the world are located in or close to municipalities or other local governmental units which maintain organized fire-protection facilities. It has been the practice of a number of Federal agencies to enter into reciprocal agreements with local fire-protection organizations near Federal installations providing for reciprocal fire-protection assistance. These arrangements have been very satisfactory, particularly to the military departments and the Veterans' Administration, which have a large number of Federal field installations under their jurisdiction. Federal agencies, by making arrangements to obtain the benefit of equipment and personnel available in neighboring communities, have been able to save substantial sums which would otherwise be required to provide and maintain Federal equipment and personnel.

In past years, mutual fire-protection agreements have apparently been entered into on the assumption that agency heads had implied authority to enter into such agreements and to expend funds pursuant to such agreements in order to carry out their duty to safeguard Federal property under their jurisdiction. In a decision of August 13, 1952, however, the Comptroller General disallowed overtime payments to Federal employees for services performed pursuant to a mutual-aid agreement in extinguishing a fire on non-Federal property. The Comptroller General stated that, in the absence of a showing that such services were necessary to safeguard Federal property, such payments would constitute an unauthorized use of appropriated funds. In concluding his decision, however, the Comptroller General said that in view of the value of the protection thus secured to Government property which otherwise could be obtained only at greatly increased expense, the General Accounting Office—

will remove any exceptions still outstanding and raise no further objections to such mutual-aid agreements with the understanding that the matter be presented * * * to the Congress * * * with a view to securing legislative authority for such agreements * * *.

In order to carry out the recommendations of the Comptroller General the Navy Department in 1954, after consulting with other interested agencies, proposed a bill authorizing such mutual-aid agreements. As S. 3773 of the 83d Congress, this bill passed the Senate on August 11, 1954. A similar bill, H. R. 10188, was introduced in the House of Representatives on August 5, 1954, but was not acted upon.

H. R. 6015 is substantially similar in purpose and effect to S. 3773 of the 83d Congress, although different language is used in H. R. 6015 in order more clearly to express the intent of Congress.

MAJOR PROVISIONS OF H. R. 6015

Section 1 defines the terms used in H. R. 6015.

Section 2 (a) authorizes agency heads to enter into reciprocal fire-protection agreements with local governmental units and public or private organizations maintaining fire-protection facilities near installations under the jurisdiction of such heads within the United States, its Territories, and possessions or in any foreign country. Each such agreement shall provide that the parties thereto waive all claims for loss, damage, injury, or death that may arise against each other in the performance of such agreement, and may provide for reimbursement for the cost of furnishing personnel and equipment pursuant to its provisions.

Section 2 (b) ratifies and confirms existing fire-protection agreements which would have been authorized had the act been in effect on the date of execution thereof.

Section 3 authorizes agency heads, in the absence of any agreement authorized or ratified by section 2, to render emergency fire-protection assistance near any place at which such department or agency maintains fire-protection facilities, when such assistance is determined to be in the best interest of the United States.

Section 4 provides that service performed under section 2 or section 3 by a Federal officer or employee or a member of any armed force of the United States shall be considered to be service performed in the line of duty, and that performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act.

Section 5 authorizes the use of funds to carry out the purposes of the act, and provides that sums received by agency or department heads for fire protection rendered pursuant to the act shall be covered into the Treasury as miscellaneous receipts.

ESTIMATED COST

The committee staff was advised by representatives of the Department of Defense that no actual additional cost to the Federal Government would result from the enactment of this measure. However, if the measure is not enacted, various agencies would be required to expend large sums of money for additional fire protection equipment and personnel. Thus, if any additional expenditure for Federal fire fighters and equipment becomes necessary under these agreements it will be more than offset by the savings these agreements make possible.

In this connection, the Department of the Navy has advised the committee that, in the absence of such mutual-aid fire protection agreements, the Departments of the Army and the Navy would have to make an initial expenditure of approximately \$5,960,000, and an annual recurring expenditure of approximately \$19,820,000 for personnel and equipment. The Air Force estimates an initial expenditure of some \$20,000 and annual recurrent expenditures of approximately \$35,000 each for an unspecified number of additional companies which would be required.

The Veterans' Administration, with some 65 installations throughout the United States, estimates that without mutual-aid agreements

it would have to make an initial expenditure of some \$75,000 and an annual recurrent expenditure of approximately \$1,250,000.

The Comptroller General has advised that the provisions of section 2 (b) and section 4 of the act would validate past payments of over-time compensation made to Federal civilian fire fighters who rendered services outside the limits of United States reservations in connection with mutual-aid agreements existing prior to the passage of this act. Therefore, these provisions would also authorize retroactive payments in those cases where payments have not been made. However, the General Accounting Office states that it believes that "very few, if any, such payments would be involved" and that it does not object to the retroactive features of the provisions. Furthermore, in view of the explicit statement of the Comptroller General that the General Accounting Office—

will remove any exceptions still outstanding and raise no further objections * * * with the understanding that the matter will be presented * * * to the Congress, it is doubtful if any retroactive payments would be involved.

AGENCY COMMENTS

In commenting on S. 3773 of the 83d Congress, a bill similar to H. R. 6015, the State Department said:

The interest of the Department of State in the proposed legislation is limited to the extent to which it would permit the Secretaries of the Army, Navy, and Air Force to conclude mutual-aid agreements regarding fire protection, with foreign governmental units, such as municipalities and other political subdivisions of foreign states. From the standpoint of the foreign relations of the United States the Department perceives no objection to the military authorities concluding such agreements on the local level and would interpose no objection to the enactment of the proposed legislation.

The Atomic Energy Commission, the Federal Civil Defense Administration, and the Department of the Interior also recommended passage of S. 3773.

The Veterans' Administration expressed an opinion that the provisions of the proposed legislation might extend line of duty coverage to Government employees whose assistance in fighting fires was neither requested nor desired. However, the committee believes as does the Comptroller General, that the legislation provides sufficient safeguards to prevent undue liability to the Government and at the same time makes it possible to utilize the services of other than fire-fighting personnel. After calling attention to the above reservation, the Veterans' Administration stated that the legislation—

would afford a means of obtaining maximum protection of human life and Government and other property at a minimum of cost. The Veterans' Administration strongly recommends its favorable consideration * * *.

The Department of the Navy advised that—

the benefits derived through mutual fire assistance have, without question, been overwhelmingly in the Government's favor * * *. Favorable action on the proposed legislation to authorize reciprocal fire protection agreements between military departments and public or private organizations, providing for mutual-aid in extinguishing fires, is considered to be highly desirable * * *.

The Department of the Air Force stated that it—

strongly supports this legislation which would authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities * * *.

The Department of the Army advised that unless legislation clearly legalizing mutual-aid fire protection agreements is enacted, it would be necessary to cancel present agreements for such mutual aid. The Department stated that—

this would be detrimental to both Government and civilian communities with the additional personnel and equipment needed to maintain protection of the caliber now provided resulting in greatly increased expenditures by the Government.

The Department of Agriculture advised the committee it favored enactment of this legislation since the authority provided—

would facilitate the protection of forest and range resources from fire. One feature * * * of particular interest to this Department at the present time is the provision for international agreements. Exercise of this particular authority would be primarily in connection with fire protection in the national forests and other lands under the administration of the Department of Agriculture, bordering on or near Canada where at present no authority exists for reciprocal aid agreements.) ✓

The Bureau of the Budget recommended favorable consideration of this legislation.

The Comptroller General stated that the legislation—

would supply the statutory authority which the Comptroller General has held is necessary for the use of Federal appropriations for mutual aid by the Federal Government and local public or private organizations for fire protection of public and private property * * *.

and recommended favorable consideration.

SUMMARY

The enactment of H. R. 6015 would:

1. Meet the objections of the Comptroller General to making payments to Federal personnel for services rendered in fighting fires outside Federal property and to using Federal equipment in fighting such fires when such payment or use is pursuant to a mutual-aid agreement.

2. Result in a substantial saving by making the purchase and maintenance of additional equipment and the hiring of additional personnel unnecessary.

3. Authorize fire-protection assistance in the vicinity of Federal fire-protection facilities in emergencies and when there is no mutual-aid agreement, where such assistance is in the best interest of the United States. 7

4. Meet with the approval of the Comptroller General, the Director of the Bureau of the Budget, the Department of Defense and other agencies which are affected by its provisions.



Union Calendar No. 138

84TH CONGRESS
1ST SESSION

H. R. 6015

[Report No. 549]

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1955

Mr. DAWSON of Illinois introduced the following bill; which was referred to the Committee on Government Operations

MAY 9, 1955

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act—

4 (a) The term “agency head” means the head of any
5 executive department, military department, agency, or in-
6 dependent establishment in the executive branch of the
7 Government;

8 (b) The term “fire protection” includes personal serv-
9 ices and equipment required for fire prevention, the protec-
10 tion of life and property from fire, and fire fighting; and

1 (c) The term "fire organization" means any govern-
2 mental entity or public or private corporation or association
3 maintaining fire-protection facilities within the United States,
4 its Territories and possessions, and any governmental entity
5 or public or private corporation or association which main-
6 tains fire-protection facilities in any foreign country in the
7 vicinity of any installation of the United States.

8 SEC. 2. (a) Each agency head charged with the duty
9 of providing fire protection for any property of the United
10 States is authorized to enter into a reciprocal agreement,
11 with any fire organization maintaining fire-protection facil-
12 ities in the vicinity of such property, for mutual aid in
13 furnishing fire protection for such property and for other
14 property for which such organization normally provides fire
15 protection. Each such agreement shall include a waiver by
16 each party of all claims against every other party for com-
17 pensation for any loss, damage, personal injury, or death
18 occurring in consequence of the performance of such agree-
19 ment. Any such agreement may provide for the reimburse-
20 ment of any party for all or any part of the cost incurred
21 by such party in furnishing fire protection for or on behalf of
22 any other party.

1 (b) Any agreement heretofore executed which would
2 have been authorized by this Act, if this Act had been in
3 effect on the date of execution thereof, is hereby ratified and
4 confirmed.

5 SEC. 3. In the absence of any agreement authorized or
6 ratified by section 2, each agency head is authorized to ren-
7 der emergency assistance in extinguishing fires and in pre-
8 serving life and property from fire, within the vicinity of
9 any place at which such agency maintains fire-protection
10 facilities, when the rendition of such assistance is determined,
11 under regulations prescribed by the agency head, to be in
12 the best interest of the United States.

13 SEC. 4. Any service performed under section 2 or sec-
14 tion 3 of this Act, by any officer or employee of the United
15 States or any member of any armed force of the United
16 States shall constitute service rendered in line of duty in
17 such office, employment, or force. The performance of such
18 service by any other individual shall not constitute such
19 individual an officer or employee of the United States for the
20 purposes of the Federal Employees' Compensation Act,
21 as amended.

22 SEC. 5. Funds available to any agency head for fire

1 protection on installations or in connection with activities
2 under the jurisdiction of such agency may be used to carry
3 out the purposes of this Act. All sums received by any
4 agency head for fire protection rendered pursuant to this
5 Act shall be covered into the Treasury as miscellaneous
6 receipts.

Union Calendar No. 138

84TH CONGRESS
1ST SESSION

H. R. 6015

[Report No. 549]

A BILL

To authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes.

By Mr. Dawson of Illinois

MAY 4, 1955

Referred to the Committee on Government Operations

MAY 9, 1955

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

When a number of warehousemen converted the Corporation's grain several years ago and the Corporation elected to follow the grain into the hands of those who purchased it, the entire industry was confronted with a serious problem. The purchasers, many of whom had no way of knowing or determining that grain belonged to the Corporation, now face substantial losses; and every person who purchases grains knows that he runs a risk against which he cannot protect himself. On the other hand the Corporation, because it is a large depositor, is in a better position to protect itself through bonds, inspection, and other means.

The general rule which permits these claims against innocent purchasers has been widely criticized by lawyers, and its change has been recommended in the Uniform Commercial Code by the American Law Institute and the National Conference of Commissioners on Uniform State Laws, with the approval of the house of delegates of the American Bar Association. This bill would change the general rule insofar as it relates to the Corporation's claims.

As passed by the House the bill applied only to goods sold by a warehouseman who was also a dealer in such goods. This might protect the purchaser of grain from a warehouseman who was also a dealer, but subsequent purchasers would have no way of determining the facts and would, therefore, be forced to continue to make purchases of grain at their peril. The committee amendments, therefore, extend the bill to cover fungible goods sold by any dealer regularly engaged in buying and selling such goods provided, of course, that the purchase of such goods was otherwise within the provisions of the bill.

The committee amendments would also add a final sentence to the bill making it clear that the buyer has the burden of proving the facts necessary to entitle him to the special defense provided by the bill.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. From reading the language of the bill itself, I am a little unclear as to its meaning. If a buyer purchases goods and believes that the title in them is good, I am wondering whether the amendment on page 2, line 8, would require him to set up an affirmative defense. Why should he have to set up an affirmative defense? I should think that the other side would have to set up an affirmative defense.

Mr. ELLENDER. The buyer might be sued by the Commodity Credit Corporation for conversion if it were the owner of the goods. Then the buyer would have to set up an affirmative defense that his purchase was made in good faith, in the regular course of business, from a person regularly engaged in the grain business, and the other elements necessary under the bill to constitute a defense. The language referred to makes it clear that the buyer has the burden of proof in making this defense.

Mr. SALTONSTALL. In other words, the purpose is to provide an affirmative

defense which the buyer must prove by a preponderance of the evidence, if the second seller does not have title to the goods. Otherwise, he is liable for the goods.

Mr. ELLENDER. That is correct.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Commodity Credit Corporation Charter Act in order to protect innocent purchasers of fungible goods from claims of the Commodity Credit Corporation."

DONATION OF CERTAIN PROPERTY TO THE AMERICAN NATIONAL RED CROSS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 275, Senate bill 614.

The PRESIDING OFFICER. The secretary will state the bill by title.

The CHIEF CLERK. A bill (S. 614) to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of the General Services to donate certain property to the American National Red Cross.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is amended by renumbering subsection (1) of section 203 as subsection "(m)" and adding subsection (1) as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property."

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 276, Senate bill 1007.

The PRESIDING OFFICER. The Secretary will state the bill by title, for the information of the Senate.

The CHIEF CLERK. A bill (S. 1007) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Washington give us a brief explanation of the bill?

Mr. JACKSON. Mr. President, the purpose of this bill is to establish a central statutory depository for agreements or compacts between the several States, for proper preservation and for servicing by the archival services of the General Services Administration. Its approval would further implement the purposes of Reorganization Plan No. 20 of 1950, which transferred from the Secretary of State to the Administrator of General Services functions having no connection with the conduct of foreign affairs, in order to establish a centralized records management service. The bill is permissive and not mandatory, and its primary objective is to aid the States by providing a central governmental depository for such compacts and agreements, and a medium through which appropriate inquiries may be cleared.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Federal Property and Administrative Services Act of 1949, as amended, is hereby further amended as follows:

(a) By adding a new subsection (g) to section 507 to read as follows:

"(g) The Administrator is hereby authorized to receive duplicate originals or duly authenticated copies of agreements or compacts entered into, pursuant to the Constitution and laws of the United States, between States now or hereafter admitted to the Union, and to take all necessary actions for their preservation and servicing."

ADMINISTRATIVE EXPENSES IN THE TREASURY DEPARTMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 277, Senate bill 1727.

The PRESIDING OFFICER. The Secretary will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1727) to authorize certain administrative expenses in the Treasury Department, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JACKSON. Mr. President, the purpose of the bill is to provide basic legislative authority for certain authorization provisions which have been included from year to year in the Treasury appropriation acts.

I may say that the provisions would have been subject to a point of order if such a point of order had been raised.

A draft of the bill was submitted to the Senate by the Secretary of the Treas-

ury, with a request for its enactment into law in order to avoid possible points of order which might be raised against such provisions.

The basic legislative authority is considered desirable with respect to the specific items contained in the bill, which have been approved annually in the enactment of the Treasury appropriation acts.

The Senator from Arizona [Mr. HAYDEN], chairman of the Senate Committee on Appropriations, has advised the committee that the bill "would be advantageous to the legislative process," and that "certainly basic legislative authority is preferable to continuing such provisions in annual appropriation bills, subject as they are to a point of order."

The Director of the Bureau of the Budget, in a letter addressed to the committee, commented as follows:

The purpose of the bill is to provide basic authority for the legislative provisions in the bill which have been included each year in Treasury Department appropriation acts. Since points of order might be raised with respect to these items, basic legislation is desirable. It is recommended that your committee give favorable consideration to this bill.

The bill was reported unanimously by the committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury may make the following expenditures:

(a) Expenditures for arms and ammunition required by civilian employees of the Department of the Treasury in the performance of their official duties.

(b) Expenditures to reimburse Federal Reserve banks and branches for necessary expenses for services performed as Government depositaries and as fiscal agents of the United States.

(c) Expenditures not to exceed \$10,000 per annum for services or information looking toward the apprehension of narcotic-law violators who are fugitives from justice.

SEC. 2. The Secretary of the Treasury is authorized to accept services without compensation in connection with the program for the sale of United States public-debt obligations.

SEC. 3. Section 10 of the Second Liberty Bond Act, as amended (40 Stat. 292; U. S. C., title 31, sec. 760), is amended by adding at the end thereof the following sentence: "During any period for which a definite appropriation has been made for expenses for which this section makes as indefinite appropriation, the definite appropriation shall be available under the terms of this section and the indefinite appropriation shall not be available for obligation."

RECIPROCAL FIRE-PROTECTION AGREEMENTS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 278, Senate bill 1006.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The CHIEF CLERK. A bill (S. 1006) to authorize reciprocal fire-protection

agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Government Operations, with an amendment, to strike out all after the enacting clause and insert:

That as used in this act—

(a) The term "agency head" means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

(b) The term "fire protection" includes personal services and equipment required for fire prevention, the protection of life and property from fire, and fire fighting; and

(c) The term "fire organization" means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States.

SEC. 2. (a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection. Each such agreement shall include a waiver by each party of all claims against every other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. Any such agreement may provide for the reimbursement of any party for all or any part of the cost incurred by such party in furnishing fire protection for or on behalf of any other party.

(b) Any agreement heretofore executed which would have been authorized by this act, if this act had been in effect on the date of execution thereof, is hereby ratified and confirmed.

SEC. 3. In the absence of any agreement authorized or ratified by section 2, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

SEC. 4. Any service performed under section 2 or section 3 of this act, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act, as amended.

SEC. 5. Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this act. All sums received by any agency head for fire protection rendered pursuant to this act shall be covered into the Treasury as miscellaneous receipts.

Mr. JACKSON. Mr. President, the bill was submitted to the Senate by the Department of the Navy on behalf of the Department of Defense, with a request for its enactment. It would authorize executive branch department and agency heads, including the heads of the military departments, to enter into mutual-aid-fire-protection agreements with local governmental units, public or private organizations, or foreign governmental public or private units, engaged in fire-fighting activities near Federal installations or activities. It would establish no new policy, but would merely provide statutory sanction for a practice which has been in effect for a number of years, but which, in 1952, was held by the Comptroller General to constitute an unauthorized use of appropriated funds, in the absence of specific congressional authority.

The primary objective of the measure would be to authorize the continuation of this long-established practice which enables the Federal Government to provide maximum fire protection for its installations and activities throughout the world at a minimum cost by utilizing local civilian fire-protection personnel and facilities on a reciprocal basis, thus obviating the necessity for maintaining the large numbers of fire-fighting personnel and expensive equipment which would otherwise be necessary for the adequate protection of these installations and properties.

The bill has the full approval of the appropriate agencies of the executive branch of the Government, and it was reported unanimously by the Committee on Government Operations.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes."

INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 271, Senate Joint Resolution 38.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The CHIEF CLERK. A joint resolution (S. J. Res. 38) consenting to an interstate compact to conserve oil and gas.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from Committee on Interior and Insular Affairs, with amendments on page 10, line 22, after the word "An", to strike out "S. J. Res. 42—2", and on page 11, line 3, after "September 1", to strike out "1951"

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued May 17, 1955

For actions of May 16, 1955

84th-1st, No.80

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: House received conference report on USDA appropriation bill. House passed salt water research bill. House passed inter-agency fire protection agreements bill. Ready for President. Senate committee ordered reported bill to increase per diem allowances.

HOUSE

1. AGRICULTURAL APPROPRIATION BILL, 1956. Received the conference report on this bill, H. R. 5239 (H. Rept. 590) (pp. 5386-7). Attached to this Digest are statements pertaining to the measure.
2. SALT-WATER RESEARCH. Passed without amendment H. R. 2126, to expand the Interior Department's salt-water research program (pp. 5388-5402).
3. FOREST FIRES. Passed without amendment S. 1006, to authorize the execution of agreements between agencies of the U. S. and other agencies and instrumentalities for mutual aid in fire protection (pp. 5402-4). This bill will now be sent to the President.
4. REORGANIZATION. Passed without amendment S. 1763, to extend for one month (until June 30, 1955) the time for liquidation of the Hoover Commission (p. 5396). This bill will now be sent to the President.
Rep. Karsten insisted that the report of the Hoover Commission Task Force on Water Resources and Power be made public at once (p. 5405).
5. SURPLUS FOOD. Rep. Mack discussed the program for the distribution of surplus commodities in Ill. (p. 5409).
6. APPROPRIATIONS. The Appropriations Committee reported H. R. 6239, the D. C. appropriation bill for 1956 (H. Rept. 589) (p. 5411).
7. LANDS. The Interior and Insular Affairs Committee ordered reported with amendment S. 265 and H. R. 1844, to amend acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase

the limitation with respect to desert entries made under such act; and H. R. 4894, to repeal laws authorizing sale of public lands which are valuable chiefly for timber and stone (p. D419).

8. RECLAMATION. The Interior and Insular Affairs Committee ordered reported with amendment H. R. 4663, to authorize the Trinity River division, Central Valley project, Calif. (p. D419).

SENATE

9. SURPLUS PROPERTY; TRAVEL; BUDGET. The Government Operations Committee ordered reported with amendment H. R. 3322, to amend the Federal Property and Administrative Services Act of 1949, so as to improve the administration of the program for the utilization of surplus property for educational and public health purposes; S. 1795, to amend the Travel Expense Act of 1949, to provide an increased maximum per diem allowance for subsistence and travel expenses; and S. 1805, to amend the Legislative Reorganization Act of 1946 to create a Joint Committee on the Budget (pp. D417-8).

BILLS INTRODUCED

10. TRANSPORTATION. H. R. 6246, by Rep. Bonner, to amend section 4153 of the Revised Statutes, as amended, to authorize more liberal propelling power allowances in computing the net tonnages of certain vessels; to Merchant Marine and Fisheries Committee (p. 5411).
H. R. 6271, by Rep. Pelley, providing relief against certain forms of discrimination in interstate transportation; to Interstate and Foreign Commerce Committee (p. 5412).
11. GUAM. H. R. 6254, by Rep. Engle, to implement section 25 (b) of the Organic Act of Guam by carrying out the recommendations of the Commission on the Application of Federal Laws to Guam; to Interior and Insular Affairs Committee (p. 5411).
12. PERSONNEL. H. R. 6255, to amend the Civil Service Retirement Act of May 29, 1930, as amended, to increase the annuities of present and future annuitants to Post Office and Civil Service Committee (p. 5411).
H. R. 6273, by Rep. Teague, Calif., to amend the Civil Service Retirement Act of May 29, 1930, as amended; to Post Office and Civil Service Committee (p. 5412).
13. WATER COMPACT. H. R. 6256, by Rep. George, granting the consent of Congress to the States of Kansas and Oklahoma, to negotiate and enter into a compact relating to their interests in, and the apportionment of the waters of the Arkansas River and its tributaries as they affect such States; to Public Works Committee (p. 5411).
14. RECLAMATION. H. R. 6257, by Rep. Green, Ore., to terminate the prohibition against employment of Mongolian labor in the construction of reclamation projects; to Interior and Insular Affairs Committee (p. 5411).
H. R. 6268, by Rep. Metcalf, to facilitate the construction of drainage works and other minor items on Federal reclamation and like projects; to Interior and Insular Affairs Committee (p. 5411).
15. LANDS. H. R. 6278, to authorize the conveyance for public purposes of certain lands in the State of Georgia; to Agriculture Committee (p. 5412).

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. PHILLIPS].

[Mr. PHILLIPS addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. MILLER of Nebraska. Mr. Chairman, I have no further requests for time on this side.

Mr. ENGLE. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Missouri [Mrs. SULLIVAN].

CIO SPOKESMAN URGES QUADRUPLING OF FUNDS
FOR SALINE WATER RESEARCH

Mrs. SULLIVAN. Mr. Chairman, in view of the noncontroversial nature of this legislation, I do not feel it necessary for me to take the time of the House to urge its enactment. I know it will be passed, and that the membership is convinced of the value of the research now being done in this field of converting salt water for irrigation and other purposes.

However, because of the widespread interest in the subject matter of this legislation, I do think it would be worthwhile to have as part of the record of the debate here, an excellent statement on the program generally, presented last month to the Senate Committee on Interior and Insular Affairs, by Joseph Applebaum, vice president of the Oil, Chemical, and Atomic Workers International Union, CIO.

Mr. Applebaum, who has been a friend of mine for many years, has just recently moved from St. Louis to Denver, Colo., which is now his headquarters. In this matter, he testified in behalf of the National CIO, as well as his own union.

Mr. Applebaum endorsed wholeheartedly the objectives of the saline water program, and not only urged the extension of the program as provided for in H. R. 2126, but suggested that instead of an overall limit of \$6 million in preparations for this work, as provided for in H. R. 2126, that the ceiling be raised to \$25 million.

Because of the interest I know exists in this program, I include Mr. Applebaum's statement to the Senate committee, as follows:

STATEMENT OF JOSEPH APPLEBAUM, VICE PRESIDENT, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION, CIO, TO THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, SALINE WATER PROGRAM EXTENSION, TUESDAY, APRIL 19, 1955, WASHINGTON, D. C.

Mr. Chairman and members of the committee, my name is Joseph Applebaum. I am vice president of the Oil, Chemical, and Atomic Workers International Union, CIO, with headquarters located in Denver, Colo. I am testifying here in behalf of the national CIO in support of the extension of the Government's saline water program.

Until recently, and prior to the merger of the Oil Workers International Union and the United Gas, Coke, Chemical Workers Union, I was western regional director of the United Gas, Coke, Chemical Workers Union. In that capacity I appeared before the House Committee on Agriculture in Whittier, Calif., on November 12, 1953, in support of the further extension of the Government's saline water program. At that time I said, "CIO * * * today is happy to pay tribute to the great foresight of those legislators of the West who

realize the great social and economic potential that lies in the sea at a time when no one else but a handful of scientists share their vision."

Since that time we in CIO have been impressed with the developments which have occurred in this field. We know that there has been proven a practicality to this program which now justifies the most optimistic hopes of our earlier testimony. We know that an application of vigor and intelligence can bring an early solution to many of our most pressing water-shortage problems.

Yet we stand here today in a period when the pressure of water shortage is an increasingly critical problem throughout the United States. In the past there have been occasions when it was safe to say that the water-shortage problem was primarily the problem of the West. With the passage of time, the growth of population, the increasing need for water in industry, agriculture, and for domestic use, it is now clear that water shortage is a national problem.

Therefore, gentlemen, it seems to me that the efforts of the past in solving this problem must be reexamined in the light of the new pressures, and steps must be taken to apply knowledge and technology which have been developed in this field in a more vigorous way looking toward the solution of this most pressing problem.

In the past week we have found general acceptance to a solution of one of the Nation's most pressing problems. The Salk vaccine may well end the fear of the dreaded disease polio. Given adequate funds and the application of trained technicians, we can solve some of our most serious problems. And no problem today is more serious than the growing shortage of water. Last week as I moved from St. Louis, my former home, to Denver, Colo., I experienced the effect of the snowstorm in eastern Colorado. This is one of the areas which has a critical water shortage. This storm, which delayed my trip, was greeted with jubilation in the eastern Colorado area. The more snow that fell the more water that would sink into the ground, the less the area would be affected by the scourge of the dust blow which is affecting this whole area. It is now taken for granted in the West that in the year 1955 this country will see the biggest dust storm in the creation of a new dust bowl with all its devastating effects covering 25 million acres.

Mr. Chairman, I propose that we immediately expand the Government's saline water program if for no other reason than to seek to end this menacing dust bowl condition, and that we provide the program with funds equal to \$1 an acre of the area affected, and that we call upon the scientists and the technicians and the irrigation experts to figure out ways and means of bringing an end to this condition brought about in such large part by the shortage of water.

Mr. Chairman, I said earlier we have been encouraged by the progress of this program. That is to say, we have been encouraged by the few experiments which prove that the program has developed a potential technology and an economic range of operation which can release the giant source of the ocean to meet the water needs of almost any area in the world.

The development of a power source known as the package reactor in the field of atomic energy means that we can now provide the technology of the saline water program to the most critical areas throughout the United States and the whole world, and use our developments in this field to meet the most pressing needs of the underdeveloped countries of the world in their economic developments.

Mr. Chairman, the CIO believes that this program should be given a priority equal to that of our most pressing military development programs so that we can show the

world that we are prepared to effectively aid them in raising their standard of living.

Recently the secretary of our National Committee on Resources Development drafted a memorandum on the Application of Atomic Power to the Demineralization of Sea Water for Irrigation or Domestic Use. Mr. Chairman, without reading this memorandum I would like permission to place it in the record at this point.

It shows, Mr. Chairman, that the direct power costs of the electrodialysis method of demineralization of brackish or sea water constitutes more than 50 percent of the total costs. But, it also shows the direct advantage which is gained from increasing the size of units involved. One million square feet of membrane area requires 1,600 kilowatt-hours per thousand gallons. Ten million square feet of membrane area reduces the power requirement to only 160 kilowatt-hours per thousand gallons. It is clear, therefore, that this program needs some immediate large-scale experimentation. It is likewise clear that we will never get the "bugs" out of the technology of this development until we try it in many places and on an increasingly larger and larger scale. Our technicians and the members of my own union have called our attention to the many places where this program can be immediately put to test. In some of the very areas affected by the dust bowl there are oil wells producing quantities of salt water which could be demineralized and used as potable water. The Department of the Interior's third annual report on saline water conversion says:

"The work accomplished so far indicates that attainment of the first goal of winning fresh water from sea water at a price which municipal users and some industries might pay, and the conversion of brackish water to irrigation uses, seems to be in sight although much work will be necessary before either can be brought to realization."

Mr. Chairman and members of the committee, while I endorse the intention of S. 516 I recommend on page 2, line 5, the phrase "\$6 million in all" be stricken and in place thereof the committee substitute the phrase "\$25 million a year"; and in line 17, page 2, the figure "\$500,000" be stricken and in place thereof "\$5 million."

Mr. Chairman, the memorandum to which Mr. Applebaum referred in his testimony, The Application of Atomic Power to the Demineralization of Sea Water for Irrigation or Domestic Use, is as follows:

MEMORANDUM

From: Leo Goodman, secretary, CIO national committee on atomic energy, power, and resources development.

Re the application of atomic power to the demineralization of sea water for irrigation or domestic use.

MARCH 15, 1955.

There has been since 1952 an appropriation of \$400,000 a year for the saline water conversion program by the Congress to the Department of the Interior. The goal set for this program has been the reduction of acre-foot of potable water at a cost of approximately \$125. This is based on a survey of the cost of water to 400 American cities.

For irrigation purposes the objective has been production in cost to \$40 per acre-foot.

Substantial success has been achieved through the use of an ion transfer membrane demineralizer. This has been tested for both brackish water and sea water. Brackish water in South Dakota has been demineralized at an estimated cost of \$4 per acre-foot predicated upon an estimated conversion plant installation cost of \$1,700,000, and salt content of 855 parts per million.

In Arizona, where the water contains 4,635 parts per million salt, the estimate is that

brackish water can be made potable with a \$10 million investment and a cost of \$20 per acre-foot.

In Texas estimates run to \$40 per acre-foot in a \$20 million plant based on salt content of 10,000 parts per million. This process uses the property of certain plastic membranes to pass only electrically positive particles (cations) and other membranes to pass only electrically negative particles (anions). When salts are dissolved in water they break up into equal quantities of cations and anions which move in opposite directions in an electrical field. The power requirements to reduce salinity to approximately 350 parts per million were experimentally determined. The energy demand per gallon treated in a given sized unit was shown to be inversely proportionate to the production rate; that is, the higher the production rate the lower the energy consumption per gallon. In producing a water product with 350 parts per million salt content to produce 10 acre-feet per hour, that is salt content of 350 parts per million from sea water which contains approximately 35,000 parts per million is shown in the following table:

Membrane area: ¹	Sea water ²
1-----	1,600
3.3-----	480
10-----	160

¹ In million square feet.

² Kilowatt-hours per thousand gallons.

For each of the types mentioned above of the total cost per acre-foot the power cost was:

Type:	Total cost	Direct power cost
South Dakota-----	\$4.08	\$2.56
Arizona-----	19.53	10.34
Texas-----	40.07	22.60

The above estimates are based on the assumption of 0.3 cent per kilowatt-hour.

Using the above estimates the Bureau of Reclamation has concluded that portions of the southern California and Texas coastal regions where water requirements exceed present local supplies, and those which can be developed, it is physically possible to meet all the future water requirements of those areas with converted sea water. (Saline water conversion program, Research and Development Rept. No. 3, entitled "Potential Use of Converted Sea Water for Irrigation in Parts of California and Texas," p. 2).

The fundamental problem, therefore, is the lack of power in areas which need this program the most. Southern California and Texas do not have available the large blocks of surplus power which would be needed to make such a program feasible at this time.

It is proposed, therefore, that the Atomic Energy Commission build some of its experimental atomic-power reactors in these areas of sufficient size to supply the power necessary for further development of the saline-water program.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks.)

Mr. ENGLE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I rise in support of this bill, and compliment the committee on bringing out this bill at this time. It deals with the question of research and development in the problem of desalting water, a problem which is an important one throughout all the arid areas of the world. In many places the great salt ocean borders upon the lands. If that water could be utilized, uncounted millions of acres could be brought into production. I think we should look at this thing realistically. I

realize that this is not an event that will occur overnight. It may take several years. However, certainly, in view of the progress that has been made in the research and development and in reducing the cost of desalting water, we should proceed with those very modest research and development projects which are now in existence, and in my opinion we should increase them.

Last week this body passed a \$31.4 billion defense bill, thirty-one thousand millions of dollars. We are coming forward here with a very modest request for a total authorization of around \$3 million to be spent over a period of time. It seems that when we are spending so many thousands of millions for arms because of the troubled conditions of the world, we are certainly justified in spending a few million in the field of development of cures for some of the reasons for tensions in the world.

Undoubtedly, throughout the world not only in our own country, but throughout the world, lack of food is one of the great tensions that produce disquiet and unrest and eventually prepares the seedbed for the seeds of communism. If we could produce food in abundance in those areas of the world which now cannot produce it because of lack of water, this would be one of the very valuable results of such a program as this. I think it is a modest program and it is something which, I think, the House will approve. I commend the committee and ask for full support by my colleagues of the House.

The CHAIRMAN. The time of the gentleman from California has expired.

[Mr. TEAGUE of California addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the act of July 3, 1952 (66 Stat. 328; 42 U. S. C., secs. 1951 ff.) is hereby amended as follows:

(1) By modifying subsection (a) of section 2 of said act so as to read: "by means of research grants and contracts as set forth in subsection (d) of this section and by use of the facilities of existing Federal scientific laboratories within the monetary limits set forth in section 8 of this act, to conduct research and technical development work, to make careful engineering studies to ascertain the lowest investment and operating costs, and to determine the best plant designs and conditions of operation."

(2) By modifying section 8 of said act so as to read: "There are authorized to be appropriated such sums, but not more than \$6 million in all, as may be required (a) to carry out the provisions of this act during the fiscal years 1953 to 1963, inclusive, (b) to finance for not more than 2 years beyond the end of said period such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this act, and (c) during the same additional period plus 1 more year, to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this act. Departmental expenses for direction of the program authorized by this act and for the correlation and coordination of information as provided in subsection (d) of its section 2 shall not exceed \$1,500,000, and not more than \$500,000 shall be expended

for research and development in Federal laboratories. Both of said sums shall be scheduled for expenditure in equal annual amounts insofar as is practicable."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KARSTEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 2126) to amend the act of July 3, 1952, relating to research in the development and utilization of saline waters, pursuant to House Resolution 231, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MUTUAL AID IN FIRE PROTECTION

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1006) to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes. I might say I have cleared this matter with the ranking minority member of the Committee on Government Operations and with the minority whip.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That as used in this act—

(a) The term "agency head" means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

(b) The term "fire protection" includes personal services and equipment required for fire prevention, the protection of life and property from fire, and fire fighting; and

(c) The term "fire organization" means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States.

SEC. 2. (a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection. Each such agreement shall include a waiver by each party of all claims against every other party

for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. Any such agreement may provide for the reimbursement of any party for all or any part of the cost incurred by such party in furnishing fire protection for or on behalf of any other party.

(b) Any agreement heretofore executed which would have been authorized by this act, if this act had been in effect on the date of execution thereof, is hereby ratified and confirmed.

SEC. 3. In the absence of any agreement authorized or ratified by section 2, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

SEC. 4. Any service performed under section 2 or section 3 of this act, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purpose of the Federal Employees' Compensation Act, as amended.

SEC. 5. Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this act. All sums received by any agency head for fire protection rendered pursuant to this act shall be covered into the Treasury as miscellaneous receipts.

Mr. FOUNTAIN. Mr. Speaker, a number of departments and agencies of the Federal Government maintain installations in the United States and other parts of the world which are located in or close to local governmental units and other organizations which maintain fire-protection facilities. It has been the practice for Federal agencies maintain such installations to enter into reciprocal agreements with local fire-protection organizations providing for mutual aid in fighting and preventing fires.

These agreements have proved very satisfactory to the Federal agencies concerned, particularly the military departments and the Veterans' Administration. By making arrangements to obtain the benefit of equipment and personnel available in neighboring communities, it has been possible to save substantial sums which otherwise would be required to provide and maintain additional Federal equipment and personnel.

In 1952, the Comptroller General expressed the opinion that payments to Federal employees for services performed in fighting fires on non-Federal property pursuant to a mutual-aid agreement would constitute an unauthorized use of appropriated funds unless it were shown that such services were necessary to safeguard Federal property. However, the Comptroller General stated that, in view of the protection secured to Government property by mutual-aid agreements which otherwise could be obtained only at greatly increased expense, the General Accounting Office would not object to the mutual-aid agreements with the understanding that

the matter be presented to Congress with a view to securing legislative authority for such agreements.

S. 1006 is designed to carry out the recommendation of the Comptroller General. It would grant specific legislative authority to agency heads to enter into mutual-aid agreements with local fire-protection organizations and would ratify and confirm existing agreements.

No actual additional cost to the Federal Government would result from passage of S. 1006. However, if S. 1006 is not enacted and it becomes necessary to cancel existing mutual-aid agreements, the Defense Department alone estimates it would have to spend more than \$20 million annually for additional fire-protection personnel and equipment.

This legislation has the approval of the Comptroller General, the Bureau of the Budget, the Department of Defense, and the other agencies which are affected by its provisions. The Intergovernmental Relations Subcommittee of the Committee on Government Operations unanimously recommended the favorable consideration by the full committee of an identical bill known as H. R. 6015. The Committee on Government Operations reported H. R. 6015 without a dissenting vote. The committee's report contains a more detailed explanation of the benefits to be derived from H. R. 6015 and from the identical Senate bill, S. 1006. Under unanimous consent, I include this report with my remarks:

AUTHORIZING THE EXECUTION OF AGREEMENTS BETWEEN AGENCIES OF THE UNITED STATES AND OTHER AGENCIES AND INSTRUMENTALITIES FOR MUTUAL AID IN FIRE PROTECTION

Mr. DAWSON of Illinois, from the Committee on Government Operations, submitted the following report:

The Committee on Government Operations, to whom was referred the bill (H. R. 6015) to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H. R. 6015 would grant specific legislative authority to department and agency heads to enter into reciprocal fire-protection agreements with local governmental units and public or private organizations maintaining fire-protection facilities near installations under the jurisdiction of such heads within the United States, its Territories, and possessions, or in any foreign country. The bill would ratify and confirm existing agreements for such mutual aid.

Such reciprocal agreements for mutual aid in fire protection have been in effect for a number of years. However, the Comptroller General held in 1952 that, in the absence of specific congressional authority, the use of Federal personnel and equipment to fight fires on non-Federal property in accordance with such reciprocal agreements constituted an unauthorized use of appropriated funds.

The primary objective of this bill is to approve such mutual-aid agreements in order to enable the Federal Government to provide maximum fire protection for its installations and activities at a minimum cost through utilization of local fire-protection personnel and facilities on a reciprocal basis.

The bill would also authorize such agency or department head in the event of an emergency, in the absence of such reciprocal agreement, to make available Government

fire-protection personnel and equipment to assist in extinguishing fires and preserving life and property threatened by fire in local areas at or near Government installations when such assistance is determined to be in the best interest of the United States.

BACKGROUND

Many Federal installations in the United States and other parts of the world are located in or close to municipalities or other local governmental units which maintain organized fire-protection facilities. It has been the practice of a number of Federal agencies to enter into reciprocal agreements with local fire-protection organizations near Federal installations providing for reciprocal fire-protection assistance. These arrangements have been very satisfactory, particularly to the military departments and the Veterans' Administration, which have a large number of Federal field installations under their jurisdiction. Federal agencies, by making arrangements to obtain the benefit of equipment and personnel available in neighboring communities, have been able to save substantial sums which would otherwise be required to provide and maintain Federal equipment and personnel.

In past years, mutual fire-protection agreements have apparently been entered into on the assumption that agency heads had implied authority to enter into such agreements and to expend funds pursuant to such agreements in order to carry out their duty to safeguard Federal property under their jurisdiction. In a decision of August 13, 1952, however, the Comptroller General disallowed overtime payments to Federal employees for services performed pursuant to a mutual-aid agreement in extinguishing a fire on non-Federal property. The Comptroller General stated that, in the absence of a showing that such services were necessary to safeguard Federal property, such payments would constitute an unauthorized use of appropriated funds. In concluding his decision, however, the Comptroller General said that in view of the value of the protection thus secured to Government property which otherwise could be obtained only at greatly increased expense, the General Accounting Office "will remove any exceptions still outstanding and raise no further objections to such mutual-aid agreements with the understanding that the matter be presented * * * to the Congress * * * with a view to securing legislative authority for such agreements."

In order to carry out the recommendations of the Comptroller General the Navy Department in 1954, after consulting with other interested agencies, proposed a bill authorizing such mutual-aid agreements. As S. 3773 of the 83d Congress, this bill passed the Senate on August 11, 1954. A similar bill, H. R. 10188, was introduced in the House of Representatives on August 5, 1954, but was not acted upon.

H. R. 6015 is substantially similar in purpose and effect to S. 3773 of the 83d Congress, although different language is used in H. R. 6015 in order more clearly to express the intent of Congress.

MAJOR PROVISIONS OF H. R. 6015

Section 1 defines the terms used in H. R. 6015.

Section 2 (a) authorizes agency heads to enter into reciprocal fire-protection agreements with local governmental units and public or private organizations maintaining fire-protection facilities near installations under the jurisdiction of such heads within the United States, its Territories, and possessions or in any foreign country. Each such agreement shall provide that the parties thereto waive all claims for loss, damage, injury, or death that may arise against each other in the performance of such agreement, and may provide for reimbursement for the cost of furnishing personnel and equipment pursuant to its provisions.

Section 2 (b) ratifies and confirms existing fire-protection agreements which would have been authorized had the act been in effect on the date of execution thereof.

Section 3 authorizes agency heads, in the absence of any agreement authorized or ratified by section 2, to render emergency fire-protection assistance near any place at which such department or agency maintains fire-protection facilities, when such assistance is determined to be in the best interest of the United States.

Section 4 provides that service performed under section 2 or section 3 by a Federal officer or employee or a member of any armed force of the United States shall be considered to be service performed in the line of duty, and that performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act.

Section 5 authorizes the use of funds to carry out the purposes of the act, and provides that sums received by agency or department heads for fire protection rendered pursuant to the act shall be covered into the Treasury as miscellaneous receipts.

ESTIMATED COST

The committee staff was advised by representatives of the Department of Defense that no actual additional cost to the Federal Government would result from the enactment of this measure. However, if the measure is not enacted, various agencies would be required to expend large sums of money for additional fire protection equipment and personnel. Thus, if any additional expenditure for Federal firefighters and equipment becomes necessary under these agreements it will be more than offset by the savings these agreements make possible.

In this connection, the Department of the Navy has advised the committee that, in the absence of such mutual-aid fire protection agreements, the Departments of the Army and the Navy would have to make an initial expenditure of approximately \$5,960,000, and an annual recurring expenditure of approximately \$19,820,000 for personnel and equipment. The Air Force estimates an initial expenditure of some \$20,000 and annual recurrent expenditures of approximately \$35,000 each for an unspecified number of additional companies which would be required.

The Veterans' Administration, with some 65 installations throughout the United States, estimates that without mutual-aid agreements it would have to make an initial expenditure of some \$75,000 and an annual recurrent expenditure of approximately \$1,250,000.

The Comptroller General has advised that the provisions of section 2 (b) and section 4 of the act would validate past payments of overtime compensation made to Federal civilian fire fighters who rendered services outside the limits of United States reservations in connection with mutual-aid agreements existing prior to the passage of this act. Therefore, these provisions would also authorize retroactive payments in those cases where payments have not been made. However, the General Accounting Office states that it believes that "very few, if any, such payments would be involved" and that it does not object to the retroactive features of the provisions. Furthermore, in view of the explicit statement of the Comptroller General that the General Accounting Office "will remove any exceptions still outstanding and raise no further objections * * * with the understanding that the matter will be presented * * * to the Congress" it is doubtful if any retroactive payments would be involved."

AGENCY COMMENTS

In commenting on S. 3773 of the 83d Congress, a bill similar to H. R. 6015, the State Department said:

"The interest of the Department of State in the proposed legislation is limited to the extent to which it would permit the Secretaries of the Army, Navy, and Air Force to conclude mutual-aid agreements regarding fire protection, with foreign governmental units, such as municipalities and other political subdivisions of foreign states. From the standpoint of the foreign relations of the United States the Department perceives no objection to the military authorities concluding such agreements on the local level and would interpose no objection to the enactment of the proposed legislation."

The Atomic Energy Commission, the Federal Civil Defense Administration, and the Department of the Interior also recommended passage of S. 3773.

The Veterans' Administration expressed an opinion that the provisions of the proposed legislation might extend line-of-duty coverage to Government employees whose assistance in fighting fires was neither requested nor desired. However, the committee believes as does the Comptroller General, that the legislation provides sufficient safeguards to prevent undue liability to the Government and at the same time makes it possible to utilize the services of other than fire-fighting personnel. After calling attention to the above reservation, the Veterans' Administration stated that the legislation "would afford a means of obtaining maximum protection of human life and Government and other property at a minimum of cost. The Veterans' Administration strongly recommends its favorable consideration."

The Department of the Navy advised that "the benefits derived through mutual fire assistance have, without question, been overwhelmingly in the Government's favor * * *. Favorable action on the proposed legislation to authorize reciprocal fire protection agreements between military departments and public or private organizations, providing for mutual aid in extinguishing fires, is considered to be highly desirable."

The Department of the Air Force stated that it "strongly supports this legislation which would authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities."

The Department of the Army advised that unless legislation clearly legalizing mutual-aid fire protection agreements is enacted, it would be necessary to cancel present agreements for such mutual aid. The Department stated that "this would be detrimental to both Government and civilian communities with the additional personnel and equipment needed to maintain protection of the caliber now provided resulting in greatly increased expenditures by the Government."

The Department of Agriculture advised the committee it favored enactment of this legislation since the authority provided "would facilitate the protection of forest and range resources from fire. One feature * * * of particular interest to this Department at the present time is the provision for international agreements. Exercise of this particular authority would be primarily in connection with fire protection in the national forests and other lands under the administration of the Department of Agriculture, bordering on or near Canada where at present no authority exists for reciprocal aid agreements."

The Bureau of the Budget recommended favorable consideration of this legislation.

The Comptroller General stated that the legislation "would supply the statutory authority which the Comptroller General has held is necessary for the use of Federal appropriations for mutual aid by the Federal Government and local public or private organizations for fire protection of public and private property * * *," and recommended favorable consideration.

SUMMARY

The enactment of H. R. 6015 would:

1. Meet the objections of the Comptroller General to making payments to Federal personnel for services rendered in fighting fires outside Federal property and to using Federal equipment in fighting such fires when such payment or use is pursuant to a mutual-aid agreement.

2. Result in a substantial saving by making the purchase and maintenance of additional equipment and the hiring of additional personnel unnecessary.

3. Authorize fire-protection assistance in the vicinity of Federal fire-protection facilities in emergencies and when there is no mutual-aid agreement, where such assistance is in the best interest of the United States.

4. Meet with the approval of the Comptroller General, the Director of the Bureau of the Budget, the Department of Defense and other agencies which are affected by its provisions.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(By unanimous consent (on a motion of Mr. FOUNTAIN), a similar House bill, H. R. 6015, was laid on the table.)

MINNESOTA CENTENNIAL COMMEMORATIVE

(Mr. MARSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSHALL. Mr. Speaker, I am proud to join my distinguished colleagues from Minnesota in offering a bill today to authorize the coinage of 50-cent pieces to commemorate the centennial of the admission of the State of Minnesota into the Union.

When our State came into full partnership in the Union on May 11, 1858, it was already a thriving, progressive Territory, rich in resources and richer still in the enterprise of its people.

While glancing through the "One Hundred Years Ago" column of the near-by Virginia newspaper, the Alexandria Gazette, recently, I came upon this item from its issue of February 8, 1855:

The progress of Minnesota Territory is truly wonderful. It was organized only 6 years ago. Thirty counties have since been laid off and nearly all are organized. The population has increased from 5,000 to 30,000 or more. The taxable property of the Territory is estimated for 1855 at \$7 million. A wire suspension bridge has been thrown over the Mississippi River above the falls of St. Anthony.

This must have been exciting news from the wilderness for the people of Alexandria, the kind of news that led new immigrant pioneers to accept the challenge of carving an empire from the tangle of lands and streams and lakes.

This short passage from one of the great eastern newspapers of the time gives us a clue, I think, to Minnesota's greatest asset when it was admitted to the Union 3 years later—and still her greatest asset—the spirit of hard work.

The pioneers who migrated to Minnesota were not primarily the debtors, heretics, or persecuted who founded so many of our other great States. They were people looking for a home and eco-

Public Law 46 - 84th Congress
Chapter 105 - 1st Session
S. 1006

AN ACT

To authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

Fire protection agreements.

(a) The term "agency head" means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

Definitions.

(b) The term "fire protection" includes personal services and equipment required for fire prevention, the protection of life and property from fire, and fire fighting; and

(c) The term "fire organization" means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States.

SEC. 2. (a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection. Each such agreement shall include a waiver by each party of all claims against every other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. Any such agreement may provide for the reimbursement of any party for all or any part of the cost incurred by such party in furnishing fire protection for or on behalf of any other party.

Agency head, authority.

69 Stat. 66.
69 Stat. 67.

(b) Any agreement heretofore executed which would have been authorized by this Act, if this Act had been in effect on the date of execution thereof, is hereby ratified and confirmed.

SEC. 3. In the absence of any agreement authorized or ratified by section 2, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

Emergency assistance.

SEC. 4. Any service performed under section 2 or section 3 of this Act, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act, as amended.

Service.

39 Stat. 742.
5 USC 751 note.

Funds.

SEC. 5. Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this Act. All sums received by any agency head for fire protection rendered pursuant to this Act shall be covered into the Treasury as miscellaneous receipts.

Approved May 27, 1955.